

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
CONSTRUCTION CODES COORDINATING BOARD**

NOTICE OF PROPOSED RULEMAKING

The Chairperson of the Construction Codes Coordinating Board (Chairperson), pursuant to the authority set forth in section 10 of the Construction Codes Approval and Amendments Act of 1986 (Act), effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1409 (2008 Repl.)) and Mayor's Order 2009-22, dated February 25, 2009, as amended, hereby gives notice of the intent to adopt the following amendments to Title 12 (D.C. Construction Codes Supplement of 2008) of the District of Columbia Municipal Regulations, as well as to rename Title 12.

This proposed rulemaking would adopt the following codes published by the International Code Council (ICC), as amended by this rulemaking in a new District of Columbia Construction Codes Supplement of 2013, as the District of Columbia Construction Codes: the 2012 edition of the International Building Code; the 2012 edition of the International Residential Code; the 2012 edition of the International Fuel Gas Code; the 2012 edition of the International Mechanical Code; the 2012 edition of the International Plumbing Code; the 2012 edition of the International Property Maintenance Code; the 2012 edition of the International Fire Code; the 2012 edition of the International Energy Conservation Code; the 2012 edition of the International Existing Building Code; the 2012 edition of the International Green Construction Code; the 2012 edition of the International Swimming Pool and Spa Code; and the 2011 edition of the National Electrical Code (NFPA 70) published by the National Fire Protection Association.

This proposed rulemaking would repeal the D.C. Construction Codes Supplement of 2008, adopted December 26, 2008 (55 DCR 13094), consisting of the following: the 2006 edition of the ICC International Building Code; the 2006 edition of the ICC International Residential Code; the 2006 edition of the ICC International Fuel Gas Code; the 2006 edition of the ICC International Mechanical Code; the 2006 edition of the ICC International Plumbing Code; the 2006 edition of the ICC International Property Maintenance Code; the 2006 edition of the ICC International Fire Code; the 2006 edition of the ICC International Energy Conservation Code; the 2006 edition of the ICC International Existing Building Code; and the 2005 edition of the National Fire Protection Association (NFPA 70) National Electrical Code.

Comments on this proposed rulemaking must be submitted by 5 p.m. on Friday, January 25, 2013. The process for submitting comments is detailed on the final page of this proposed rulemaking.

The Chairperson also hereby gives notice of the intent to take final rulemaking action to adopt this amendment. Pursuant to section 10(a) of the Act, the proposed amendment will be submitted to the Council of the District of Columbia for a forty-five (45) day period of review, and final rulemaking action will not be taken until the later of thirty (30) days after the date of

The *District of Columbia Electrical Code* (2013), referred to as the "*Electrical Code*," consists of the 2011 edition of the *National Electrical Code*, published by the National Fire Protection Association (NFPA), as amended by the *District of Columbia Electrical Code Supplement* (2013)(12 DCMR C). The *National Electrical Code* is copyrighted by the National Fire Protection Association and therefore is not republished here. However, a copy of the text may be obtained at: <http://www.nfpa.org>.

publication of this notice in the *D.C. Register* or Council approval of the amendment.

Title 12 (D.C. Construction Codes Supplement of 2008) of the District of Columbia Municipal Regulations is amended as follows:

The title of title 12 is renamed as the District of Columbia Construction Codes Supplement of 2013.

Subtitle 12 A (Building Code Supplement of 2008) is repealed in its entirety and replaced with a new Building Code Supplement of 2013.

Subtitle 12 B (Residential Code Supplement of 2008) is repealed in its entirety and replaced with a new Residential Code Supplement of 2013.

Subtitle 12 C (Electrical Code Supplement of 2008) is repealed in its entirety and replaced with a new Electrical Code Supplement of 2013.

Subtitle 12 D (Fuel Gas Code Supplement of 2008) is repealed in its entirety and replaced with a new Fuel Gas Code Supplement of 2013.

Subtitle 12 E (Mechanical Code Supplement of 2008) is repealed in its entirety and replaced with a new Mechanical Code Supplement of 2013.

Subtitle 12 F (Plumbing Code Supplement of 2008) is repealed in its entirety and replaced with a new Plumbing Code Supplement of 2013.

Subtitle 12 G (Property Maintenance Code Supplement of 2008) is repealed in its entirety and replaced with a new Property Maintenance Code Supplement of 2013.

Subtitle 12 H (Fire Code Supplement of 2008) is repealed in its entirety and replaced with a new Fire Code Supplement of 2013.

Subtitle 12 I (Energy Conservation Code Supplement of 2008) is repealed in its entirety and replaced with a new Energy Conservation Code Supplement of 2013.

Subtitle 12 J (Existing Building Supplement of 2008) is repealed in its entirety and replaced with a new Existing Building Code Supplement of 2013.

Subtitle 12 K (Fees) is redesignated as Subtitle M (Fees).

A new Subtitle 12 K (Green Construction Code Supplement of 2013) is added.

A new Subtitle 12 L (Swimming Pool and Spa Code Supplement of 2013) is added.

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For purposes of clarity, the following table lists each chapter of the ICC and NFPA 70 codes amended by the District of Columbia Construction Codes Supplement of 2013:

SUBTITLE A – BUILDING CODE SUPPLEMENT

| | |
|------------|--|
| Chapter 1 | Administration and Enforcement |
| Chapter 2 | Definitions |
| Chapter 3 | Use Group and Classification |
| Chapter 4 | Special Detailed Requirements Based on Use and Occupancy |
| Chapter 5 | General Building Heights and Areas |
| Chapter 7 | Fire-Resistance-Related Construction |
| Chapter 9 | Fire Protection Systems |
| Chapter 10 | Means of Egress |
| Chapter 12 | Interior Environment |
| Chapter 14 | Exterior Walls |
| Chapter 15 | Roof Assemblies and Rooftop Structures |
| Chapter 16 | Structural Design |
| Chapter 18 | Soils and Foundations |
| Chapter 26 | Plastic |
| Chapter 30 | Elevators and Conveying Systems |
| Chapter 31 | Special Construction |
| Chapter 32 | Encroachments into the Public Right-of-Way |
| Chapter 33 | Safeguards During Construction |
| Chapter 34 | Existing Structures |
| Chapter 35 | Referenced Standards |
| Appendix E | Supplementary Accessibility Requirements |

SUBTITLE B – RESIDENTIAL CODE SUPPLEMENT

| | |
|------------|-------------------------------|
| Chapter 1 | Scope and Administration |
| Chapter 2 | Definitions |
| Chapter 3 | Building Planning |
| Chapter 9 | Roof Assemblies |
| Chapter 11 | Energy Efficiency |
| Chapter 12 | Mechanical Administration |
| Chapter 15 | Exhaust Systems |
| Chapter 16 | Duct Systems |
| Chapter 24 | Fuel Gas |
| Chapter 25 | Plumbing Administration |
| Chapter 29 | Water Supply and Distribution |
| Chapter 30 | Sanitary Drainage |
| Chapter 44 | Referenced Standards |

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|------------|-----------------------------------|
| Appendix H | Patio Covers |
| Appendix J | Existing Buildings and Structures |
| Appendix K | Sound Transmission |
| Appendix M | Home Day Care – R-3 Occupancies |

SUBTITLE C – ELECTRICAL CODE SUPPLEMENT

| | |
|-------------|------------------------------|
| Article 90 | Introduction |
| Article 408 | Switchboards and Panelboards |

SUBTITLE D – FUEL GAS CODE SUPPLEMENT

| | |
|-----------|--------------------------|
| Chapter 1 | Scope and Administration |
| Chapter 2 | Definitions |
| Chapter 5 | Chimneys and Vents |
| Chapter 8 | Referenced Standards |

SUBTITLE E – MECHANICAL CODE SUPPLEMENT

| | |
|------------|--|
| Chapter 1 | Scope and Administration |
| Chapter 2 | Definitions |
| Chapter 4 | Ventilation |
| Chapter 5 | Exhaust Systems |
| Chapter 6 | Duct Systems |
| Chapter 8 | Chimneys and Vents |
| Chapter 9 | Specific Appliances, Fireplaces and Solid Fuel-Burning Equipment |
| Chapter 10 | Boilers, Water Heaters and Pressure Vessels |
| Chapter 11 | Refrigeration |
| Chapter 15 | Referenced Standards |

SUBTITLE F – PLUMBING CODE SUPPLEMENT

| | |
|------------|--|
| Chapter 1 | Scope and Administration |
| Chapter 3 | General Regulations |
| Chapter 4 | Fixtures, Faucets and Fixture Fittings |
| Chapter 6 | Water Supply and Distribution |
| Chapter 8 | Indirect/Special Waste |
| Chapter 11 | Storm Drainage |
| Chapter 13 | Nonliquid Saturated Treatment Systems |

SUBTITLE G – PROPERTY MAINTENANCE CODE SUPPLEMENT

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|-----------|--------------------------------|
| Chapter 1 | Administration and Enforcement |
|-----------|--------------------------------|

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| | |
|-----------|--|
| Chapter 2 | Definitions |
| Chapter 3 | Requirements |
| Chapter 4 | Light, Ventilation and Occupancy Limitations |
| Chapter 5 | Plumbing Facilities and Fixture Requirements |
| Chapter 6 | Mechanical and Electrical Requirements |
| Chapter 7 | Fire Safety Requirements |
| Chapter 8 | Referenced Standards |

SUBTITLE H – FIRE CODE SUPPLEMENT

| | |
|------------|--|
| Chapter 1 | Administration and Enforcement |
| Chapter 2 | Definitions |
| Chapter 3 | General Requirements |
| Chapter 5 | Fire Service Features |
| Chapter 6 | Building Services and Systems |
| Chapter 9 | Fire Protection Systems |
| Chapter 10 | Means of Egress |
| Chapter 11 | Construction Requirements for Existing Buildings |
| Chapter 56 | Explosives and Fireworks |
| Appendix B | Fire-Flow Requirements for Buildings |
| Appendix C | Fire Hydrant Locations and Distribution |
| Appendix D | Fire Apparatus Access Roads |
| Appendix H | Hazardous Materials Management Plan (HMMP) and Hazardous Materials Inventory Statement (HMIS) Instructions |

SUBTITLE I – ENERGY CONSERVATION CODE SUPPLEMENT

| | |
|---------------|------------------------------|
| Chapter 1[CE] | Administration |
| Chapter 4[CE] | Commercial Energy Efficiency |
| Chapter 1[RE] | Scope and Administration |

SUBTITLE J – EXISTING BUILDING CODE SUPPLEMENT

| | |
|------------|--------------------------------|
| Chapter 1 | Scope and Administration |
| Chapter 2 | Definitions |
| Chapter 4 | Prescriptive Compliance Method |
| Chapter 6 | Repairs |
| Chapter 7 | Alterations-Level 1 |
| Chapter 8 | Alterations-Level 2 |
| Chapter 9 | Alterations-Level 3 |
| Chapter 10 | Change of Occupancy |
| Chapter 15 | Construction Safeguards |

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SUBTITLE K – GREEN CONSTRUCTION CODE

| | |
|------------|---|
| Chapter 1 | Scope and Administration |
| Chapter 2 | Definitions |
| Chapter 3 | Green Building Act and ASHRAE 189.1 |
| Chapter 4 | Site Development and Land Use |
| Chapter 5 | Material Resource Conservation and Efficiency |
| Chapter 6 | Energy Conservation, Efficiency, and CO ₂ ^e |
| Chapter 7 | Water Resource Conservation, Quality and Efficiency |
| Chapter 8 | Indoor Environmental Quality and Comfort |
| Chapter 9 | Commissioning |
| Chapter 10 | Existing Buildings |
| Chapter 11 | Existing Building Site Development |
| Chapter 12 | Referenced Standards |
| Appendix A | Project Electives |

SUBTITLE L – SWIMMING POOL AND SPA CODE SUPPLEMENT

| | |
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| Chapter 1 | Scope and Administration |
| Chapter 2 | Definitions |

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DISTRICT OF COLUMBIA CONSTRUCTION CODES SUPPLEMENT OF 2013 12 DCMR C ELECTRICAL CODE SUPPLEMENT

The District of Columbia has adopted the 2011 edition of the *National Electrical Code* (NEC), as amended by this Supplement.

NEC CHAPTERS AMENDED BY THIS SUPPLEMENT:

| | |
|-------------|------------------------------|
| ARTICLE 90 | INTRODUCTION |
| ARTICLE 408 | SWITCHBOARDS AND PANELBOARDS |

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CHAPTER 1 AMENDMENTS TO NATIONAL ELECTRICAL CODE

- 101 NEC Article 90 - Introduction
- 102 NEC Article 408 - Switchboards and Panelboards

101 NEC ARTICLE 90 - INTRODUCTION

Strike Article 90 of the National Electrical Code in its entirety and insert new Article 90 in the Electrical Code in its place to read as follows:

ARTICLE 90 - INTRODUCTION

90.1 General. Administration and enforcement of the *Electrical Code* shall be governed by Chapter 1 of the *Building Code*, 12 DCMR A.

102 NEC ARTICLE 408 - SWITCHBOARDS AND PANELBOARDS

Insert new Section 408.23 in Article 408 of the National Electrical Code to read as follows:

408.23 Switchboards of 1000 Amperes or Larger. It shall be the responsibility of the owner of a switchboard having a capacity of 1000 amperes or larger, or the owner's responsible agent, to have a licensed master electrician disconnect said equipment once every three years or less to perform prescribed preventive maintenance. Preventive maintenance shall consist of, but not be limited to:

1. Vacuum entire interior of switchboard.
2. Clean bus and contacts with suitable non-conductive solvents.
3. Lubricate all moving mechanisms.
4. Check all conductors for abrasions and deterioration; recommend replacement if found to be in poor condition.
5. Torque bus and conductor connections to manufacturers' recommended specifications.
6. Check calibration of overcurrent trip units and protective devices.
7. Megger board to manufacturers' specifications before re-energizing.
8. Replace worn, damaged or deteriorating components.

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A copy of current inspection and service reports shall be available for public inspection on site.

All persons desiring to comment on these proposed regulations should submit comments in writing to Helder Gil, Legislative Affairs Specialist, Department of Consumer and Regulatory Affairs, 1100 Fourth Street, SW, Room 5164, Washington, D.C. 20024, or via e-mail at ConstructionCodes@dc.gov, not later than 5 p.m. on Friday, January 25, 2013.

Comments should clearly specify which Subtitle, Chapter, and Section of the proposed District of Columbia Construction Codes they are related to.

Persons with questions concerning this Notice of Proposed Rulemaking should call (202) 442-4400. Copies of the proposed rules can be obtained from the address listed above. A copy fee of one dollar (\$1.00) will be charged for each copy of the proposed rulemaking requested.

Free copies of these proposed regulations are available on the DCRA website at <http://dcra.dc.gov> by going to the “About DCRA” tab, clicking on “News Room”, and then clicking on “Rulemaking”. Additionally, the DCRA website will list links to each of the ICC and NFPA 70 codes.

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